

1882-058 Chancery Causes: Winfield Scott vs. Abraham C. Barber &c
Lee Co.

Wilbourne

CA-Debt

T-Property

-Deed

To the Hon. John A. Kelly Judge of the Circuit Court of Lee County.

The bill of complaint of Winfield Scott of said County respectfully represents, that on the 13th day of Decr 1876 he sold and conveyed to one Abraham B. Barber a certain piece or parcel of land lying and being in said County of Lee containing $28\frac{3}{4}$ acres be the same more or less, and in consideration thereof the said Barber at the time paid to your Orator the sum of One hundred dollars, and executed to him his bond bearing date the day and year aforesaid, by which he bound himself two years after the date thereof to pay to your Orator the sum of One hundred dollars for value received which is the residue of the purchase money for the land aforesaid, and the said Bond is herewith filed marked A. and is prayed to be considered as a part of this bill. Your orator further States, that the whole sum secured by this bond is now due and owing to him from said Barber, no part thereof having been paid.

Your Orator further States that at the time he and his wife conveyed said land to said Barber they expressly reserved the vendors lien thereon, which was to secure the payments of the sum above referred to and which constitutes a lien upon said land, a copy of which of conveyance is herewith filed marked (B) and your Orator further States that said deed of conveyance by him and his wife to said Barber has been duly recorded in the clerk's office of Lee County Court.

Your Orator further states that at the time of this bargain and sale he put the said Barber in to the possession of said land, and some time thereafter to wit on the day of 187 the said Abraham B. Barber sold said land to One George and Nancy Wilbourne for the sum of \$250.00 one half of which was paid down, and the residue of \$125.00 is still due and owing to said Barber as your Orator is informed and believes. And your Orator further states, that said Barber thereupon conveyed said land to the said Nancy Wilbourne receiving the vendors lien thereon for the unpaid purchase money of \$125.00 as above stated, and she and said George Wilbourne thereupon took possession of said land and continues therein.

Your Orator further states that at the time the said George and Nancy Wilbourne purchased the said land from said Barber, that they had actual knowledge of your Orator's equitable prior lien thereon, and were thereunto so. Still the deed showing this fact having been duly recorded they were and are bound in law to take notice thereof, and your Orator alleges that said lands in the hands of said Nancy Wilbourne is now as much bound for the residue of the purchase money due your Orator from said Barber, as if the same were still in his possession and under his control, and to enforce this your Orator's lien is the object of this suit, and being without an adequate remedy at law and relievable only in a court of equity, Your Orator prays therefore is that the said Abraham B. Barber and

the said George and Nancy Wilburne be made parties
defendants to this bill, and be required to answer the same
fully upon oath. That upon a hearing thereof a decree
be rendered in favor of a prior Decree against said Barker
for \$100.00 with legal interest thereon from Decr 13 1878 till
paid and the costs of this suit, that the tract of land herein
referred to or so much thereof as may be necessary for
the purpose be decreed to be sold, to pay a prior Barker
said claim and costs. And for all general & Special
relief, May the Commission writ of Subpoena issue
directed &c.

Morgan for Plff

6 7-17 Nov 1879

18.00

8 1.50

\$ 23.69

6.00

Estimated 29.69

Ordnance 1.23 July 1881

I have paid the
Clerk & Sheriff's costs
H. J. Morgan

Private Co. 7.27

Wentfield Scath.

vs. 3 Bill in Chy

Abraham C. Barber & Others

1879, Mr. Bill filed Bill
Exhibit on Nancy Wilkes
Execution & Decree nisi.

" April 2, nisi Conf. & Contd

" Oct, 1880, Execd on Nancy Wilkes
dism. & Decree nisi.

" Nov, Decree nisi Conf. & Set
for hearing by Pitt.

" Nov, Decree & Contd.

1880 Mar. " & "

" Aug. Contd. &

1881 Mr. Contd. Aug. Contd

1882 March Decree Final

Hinfield Scott	Plff	} In Chancery.
vs.		
A. B. Barber & al	Defts	

This cause came on again this day to be finally heard on the papers formerly read in the cause, used on the report of Compt. H. J. Morgan filed in the cause on the 23rd day of March 1882 - Showing the collection and disbursement of the purchase money for the land heretofore sold in this cause, and was argued by counsel. And said report having been filed in the clerk's office of this court the time required by law, and no exceptions being filed thereto. On consideration thereof it is adjudged ordered and decreed that the same be confirmed, And it further appearing by said report that James Ranney the purchaser of the land sold in this cause has fully paid the purchase price thereof, and is now entitled to a conveyance of the same. It is therefore further adjudged ordered and decreed that Henry J. Morgan who is hereby appointed a commissioner for the purpose do convey the tract of land heretofore sold by him to said James Ranney according to the notes and bounds set out in exhibit (B) with covenants of Special warranty, and that he deliver the same to said Ranney duly acknowledged for record. And no further action being necessary in this cause the same is Stricken from the docket.

Winfield Scott

vs. } Dacres: final N.S.

Abraham C. Barber vs.

Entered page 234.

Listed J. A. C. Hyatt clk.

Enter

for A. K.

Mar 21/82

Winfield Scott

vs.

A. C. Barker & al

Plff

Defts

In Chie

This cause came on again this day to be further heard upon the papers formerly read in the cause, and the report of the sale of the land in this cause made by Special Commissioner Henry J. Morgan, and was argued by counsel, and it appearing that said report has been filed more than 10 days before the first day of the present term, and no exceptions being filed thereto, it is therefore adjudged ordered and decreed that said report of sale be confirmed, and it is further ordered that Comr. Morgan proceed to collect said two bonds when they become due, and pay so much thereof to the plaintiff as will discharge his debt, and report his action to the clerk from time to time but before doing so he will execute bond with approved security before the clerk of this court with condition to account for all money that may come into his hands according to law and the cause is continued.

Winfield Scott

or { Dacres No 2

A. C. Basher & al.

Entered on p. 112

Teste Jas. W. Orr, Clerk

Ente
J. W. K.
Apr 1/80

Winfield Scott

Peff

vs.

Abraham B. Barber & others Defts

In Equity

This cause came on this day to be heard upon the bill of the Peff and exhibit therewith, and was argued by counsel, and it appearing that the cause has been regularly matured at Rules as to all the debts and set for hearing by the Peff. And the debts still failing to appear and answer the Peffs bill, the same is therefore taken for confessed as to all the debts. On consideration thereof it is adjudged ordered and decreed that the Peff recover against the defendant Abraham Barber the sum of \$100.00 with legal interest thereon from the 13th day of December 1878 till paid and the costs of this suit and it appearing to the court by Exhibit B, with the Peffs bill, that he has a lien on the lands in the bill mention and that the same is liable and bound for the Peffs demand in the hand of the debts George and Nancy Wilburson, It is therefore further adjudged ordered and decreed that unless the said sum above adjudged to the Peff, be paid to him within 30 days from this day, then that said lands or so much thereof as may be necessary for the purpose be sold on a credit of 6 and 12 months with interest from day of sale, except that the costs of suit and sale will be required in cash. And Henry J. Morgan is appointed a commissioner to make said sale who will advertise the time terms and place of sale for 30 days at the court house and at one other place at least in the neighborhood where the land lies and he will take bond with approved security

for the deferred payments of the purchase and if
the full shall become the purchase and he will
report his action to the court, and the cause is continued

Wheffield & Co.

no 3 Dec 1891

Wheffield & Co.

Contd. page 56.

Wheffield & Co.

Contd. this page -
Wheffield & Co.
Dec 1891

Commissioners Office Jonesville Va. Feb 17/80
Winfield Scott Piff

vs.

Abraham C. Barboursal Defts } In Chy

To the Hon John A Kelly Judge of the
circuit court of Lee County.

As directed by a decree entered in this
cause on the 1st day of Decr 1879, I as a spe-
cial com. appointed thereby, presided on
the 17th day of February 1880 in front of the
court house door of Lee County, that being county
court day to sell to the highest bidder on the
terms set out in said decree the 28 $\frac{3}{4}$ acres
of land in the said decree & proceedings menti-
oned, where James Ramay offered therefor the
sum of \$150.50 and that being the highest and
best bid offered, he became the purchaser
thereof at that price. The said Ramay therefor
paid me \$37.21 the amount of costs & commission
including \$6.00 for future costs, and together with
Wm J. Hutton his security executed to me as com-
two bonds for \$56.64 each payable in 6 + 12 months
with interest from date which bonds are herewith
filed & marked (A & B)

This sale I believe is a very good one for
the land is good and worth but little

Before making this sale I advertised the
time terms and place of sale for more than
30 day by putting up two notices for that

purpose one at the Court House and the other at Beach Spring which is a public place in the neighbourhood of said land.

My account of the money paid down for costs is shown in the following Tabular Statement

	Cash Recd of Ramey to pay costs	\$37.21
	Commission retained on \$150.50	\$ 7.52
	Attorneys fee retained	15.00
1	Paid clerks fee bill	7.19
2	" Shuff's "	1.00
3	" Poff for money advanced to pay Shuff	50 31.21
	Leaving this sum to pay future costs -	\$ 6.00

All which is Respectfully Submitted

Henry J. Morgan Special Comr.

Winfield Scott

Comrs of
Sale of Land No 1

A. C. Barber Val

Filed Nov 14th 1880

Wm. W. Orr Clerk

Confirmed by Court for appt

Winfield Scott

vs.

Piffy

In chq

Abraham C. Barber & ai

Dpts

Recd of H. J. Morgan Special Comr. in this
cause Seven dollars and 19 cents the clerk's cost.
in this Suit down to the present time Feb. 17th 1880

James H. Orr, Clerk.

Recd of H. J. Morgan Comr. as above in this cause One
dollar for Serving Spa in chq on A. C. Barber & Geo William
Dpts in this cause Feb. 17th 1880.

Thomas S. Ely S. L. C.
by Thos S. Ely

Recd of H. J. Morgan Comr. as above fifty cents the Sum
heretofore advanced by me to pay the Sheriff of Russell Co.
for Serving Spa in chq in the above cause on Nancy Williams
Feb. 17th 1880 J. S. C. O. B.

Winfield Scott

or } Officers & Professors

- A. C. Barber & a

No 1, 2, & 3

Winfield Scott

Pff

YDS.

A. B. Barber & Others

Drifts

I. Henry

To the Hon John F. Kelly Judge of the Circuit Court of

The undersigned Special Commissioner in this case Says

The first installment of the purchase money for the land sold

The following Tabular Statement will show this transaction

Cash recd of Jas Ramsey Aug 17 & 24 - 1880 this Sum \$ 58.35

The second and last installment of \$56.64. Balance due

and payable Feb. 17-1881. and on the 29th day of March 1881

1882 the said Harney paid me the further sum of \$8.74 which

is the balance in full of the purchase money, and I therefore

paid to the Poff the further sum of \$1.56 which is the balance

671 and the 674. Both in a 6x10x18 and the

... for a Chinese history museum of 1911-12 ...

Sum I paid to A. B. Barber one of the drafts and took his receipt for the same and here file the same marked C. B.

A tabular Statement of this transaction will stand thus.

To cash received of Ramey March 29 1881. this Sum	\$52.00
" cash " " Same " "	8.74
	<hr/> 60.74
By this Sum paid Peff March 29 1881 see receipt (C. B.)	\$52.00
" " " " Same " " (C. B.)	1.56
" " " " A. B. Barber " " (C. B.)	7.18
	<hr/> \$60.74

This suit was brought to enforce a vendors lien by Scott against Barber. And the latter before this lien was satisfied, sold and conveyed the land to George & Nancy Wilburne but retained the vendors lien for the sum of \$125.00 with the understanding that the Wilbournes should pay out of their indebtedness to Barber, to the Peff Scott the \$100.00 which Barber still owed Scott, but this they did not do, and Scott having now enforced his lien by selling Wilbournes land, it discharges Wilbournes note to Barber to the extent of \$100.00 but it still leaves due to said Barber \$25.00 from Wilbournes which constitutes a still further lien on the land in Barbars favor. And there being the facts of the case I thought it right and proper to pay said Balance to Barber which I have done, and this will be a further credit on Barbars note against Wilbournes.

The said James Ramey having now fully paid the purchase money he is entitled to a conveyance of the land which is the subject of this Suit

Respectfully Submitted

Henry J. Morgan Special Agent

Winfield Scott

vs. Common Report No 2

A. C. Barber & al.

Filed March 23rd 1892

J. M. Hyatt
Clerk

W. S. Scotts receipt May 23 1880 to Ramey \$17.25

Cash

30.00

\$ 47.25

Removed of H. J. Morgan Court in the Chancery
cause of Winfield Scott vs. Abraham Barber, to the
forty seven dollars and 25 cts to be credited on
a note in his hands for collection on said Barber.
Aug 17 1880. W. S. Scott

47.25
11.10
58.35

Recd. Aug 24th 1880 of H. J. Morgan Court as
above the further sum of eleven dollars
& 10 cents. to be credited as above
W. S. Scott

Winged Scott

To 3 Receipts 58.35

H. J. Morgan & Co.

(68)

Winifred Scott Poff

vs.

H. G. Buchanan Agent

{
L. C.

Received of J. M. ... Court in the above styled case
the sum of ... Dollars as the debt ...
sent ... accepted

March 9th 1871

J. H. ...

Highland Station

Long Island

St. Mary - Conn

(66)

Received H. J. Morgan One Dollar and
 fifty six cents the amount due ^{him} against James
 Murray Thier 16th 1882 day of March
 1882 Wm. H. Scott

67.

M. S. Scott

Received of St. J. Morgan Seven Dollars
Eighteen Cents the Amount due him against
him James Barry this 16 day of March
1883

A. C. Barber

(65)

А. С. Зина

Two years after date I bind myself
to pay Winfield Scott one hundred dollars
for value we recd of him this note may be
dis charged in property at its cash value
wit mess mi hand an seal this 13th day of
December. 1846 Chas. Barber (seal)

Barber

A. E. Barber

To 1/2 - 100000-

Winfield Scott

(A)

This Deed made this 13th day of December one thousand
Eight hundred and Seventy Six Between Hingfield Scott and
Mary D. his wife of the County of Lee and State of Virginia
of the one part and Abraham Barber of the same
County and State of the other part It Testeth That
and in consideration of the Sum of Two hundred dollars
to be paid designated in notes is hereby acknowledged
this day before me said and delivered unto the said
Abraham Barber and his heirs forever, a certain
tract or parcel of land lying and being in the County of
Lee and State aforesaid containing Twenty Eight
and 3/4 acres be the same more or less and bounded as
follows to wit. Beginning at a white oak and black oak
corner to Jacob Shunglers Line, and with the same N 83
E 22 poles to two Hickory bushes, then leaving said line N 6
W 55 poles to a small Spanish oak and small Hickory, then
N 75 W 145 poles to a stake in the Hopkins line, and with
the same S 81 W 22 poles to a Sourwood and double dogwood,
corner to St. Hingger Line, and with said line S 11 W
E 114 poles to a Stake corner of said Hingger then
South 16 W poles to the Beginning. Together with all its
appurtenances thereto belonging unto the said Hingfield Scott
and his heirs forever. And the said Hingfield Scott and
Mary D. his wife doth covenant to and with the said Abraham
Barber that the said Hingfield Scott and Mary D. his
wife will warrant the write to the lands conveyed
perpetually with a distinct understanding that the
lands hereby conveyed stand bound for the purchase

many. It has the following signatures & seals.

Hughes Scott Secy
Amy Drusilla Scott Secy

The foregoing copy of Dec. no. duly acknowledged and
admitted to record.

A copy
taken R. H. Orr Jr Secy

Bookman / Bookman -
copy of Dec
Hughes Scott Secy

(B)

Bill due on the way note to Morgan Lewis 1881. \$ 5.76.

Bill due on the way note to Morgan Lewis 1881. 1.56.

Bill due on the way note to Morgan Lewis 1881. 7.18 8.74

150.50 Feb. 17 1880.

Advertisements at
Court House door

Winfield Scott Piff }
 105. } In Lby
 Abraham Barber & al Defts

Decree in favor of Piff vs. Defts
 Barber for \$100.⁰⁰, with interest thereon from the 15th day of
 Decr 1878 till paid & true cost.

Decree as above for
 Interest on Same to Feb. 17th 1880

\$100.00

7.52

\$107.52

15.00

6 7 19

5 1.50

Esti 6.00

137.23

107.52

29.69

2/107.52

53.77

120
96.46

23.54

150.50

7.52 50

15.19

7.19

1.80

6.00

27.21

150.50

27.21

2/123.29

61.64

150.50

37.21

2/113.29

56.64

107.52

3

32262

107.54

110.76

55.38

55.38

3.82

58.70

23.

56.64

6

3.57 80

56.64

60.03

58.70

1.33

56 64
 2
 113 28
 27 21
 10
 150.49

The Commonwealth of Virginia,

To the Sheriff of Lee County---Greeting:

We Command you to Summon

Abraham Wright
George Williams & Mary Williams

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

April next, being rule day, to answer a bill in Chancery, exhibited in our said Court against

by

William Scott

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this

day of

March

187; in the 18 year of the Commonwealth.

J. W. Orr

CLERK.

2000

Printed at
the office of
Richard D. B. B. B.
New York
not Engraved for
want of free
J. Williams & Co

Printed at

The Commonwealth of Virginia,

To the Sheriff of ~~Lee~~ ^{Augusta} County---Greeting:

We Command you to Summon

Stephen Barber,
George Wilbourne & Henry Wilbourne

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

March next, being rule day, to answer a bill in Chancery, exhibited in our said Court against
them by *Wingfield Scott*

And have then there this writ.

day of

Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this *11th*

1877; in the *15* year of the Commonwealth.

J. W. Orr
CLERK.
Wm. R. W. Orr

The Commonwealth of Virginia.

^{again} We Command you to Summon ^{Russell} To the Sheriff of Lee County—Greeting:

Abraham Barber, George
Wilbourne + Nancy Wilbourne

To appear at the Clerk's office of the Circuit Court of Lee county, at the court-house, on the first Monday in Oct. next, being rule day, to answer a bill in chancery, exhibited in our said court against them
by Winfield Scott

And have then there this writ. Witness, Jas. W. Orr, clerk of our said court, at the court-house, this 11th day of Aug, 1879, in the 104th year of the Commonwealth.

R. W. Orr Jr. D. Clerk.

^{J. Morgan}
Winfield Scott

vs. J. Allen Spain Chy.

Abraham Barber et al.

Oct. Rules 1879

Edward Byrd et al.

a true copy of this

Summons to the Deft.

Nancy Williams

Aug the 27th 1879

J. S. Williams 346

Recd. for J. S. Williams
Russell County

The Commonwealth of Virginia,

To the Sheriff of Lee County---Greeting:

We Command you to Summon

Abraham L. Burton
George H. Burton

To appear at the Clerk's office of the Circuit Court of Lee, at the Court-House, on the first Monday in

March next, being rule day, to answer a bill in Chancery, exhibited in our said Court against

by

Wingfield Scott

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this

day of

May 187

; in the / 5 year of the Commonwealth.

J. W. Orr
CLERK.

Morgan
Kingscott

vs Z. Spain Chy

Abraham Barber et als

March Rules 1879

Executed upon Abraham
Barber and George Wilburn

Thos. S. Ely & Co.,

20

20

18.

20. to Russell

10.

18.

06.

1.00 Pur & Apr

20

10

18

06.

20. to R.

18.

06.

18.

10.

1.00 Oct & Nov.

30.

Ex

36

40

\$ 5.69

1.50

Tax

\$ 7.19

The Commonwealth of Virginia.

again
To the Sheriff of ^{Russell} Lee County—Greeting:
We Command you to Summon *Nancy Wilburn*

To appear at the Clerk's office of the Circuit Court of Lee county, at the court-house, on the first Monday in *Oct* next, being rule day, to answer a bill in chancery, exhibited in our said court against *her et als*

by *Wingfield Scott*

And have then there this writ. Witness, Jas. W. Orr, clerk of our said court, at the court-house, this *8th* day of *Sept*, 1879, in the 10th year of the Commonwealth.

J. W. Orr Jr. Clerk.

(Morgan)
Winfield Scott

vs Elias Spain Chy.

Nancy Wilburn & Co.

Oct. Rules 1879.

G. Evans & Return
a Super like this
a few days since
B. J. Williams & Co.

Russell County.

The Commonwealth of Virginia.

^{again} We Command you to Summon ^{Russell} To the Sheriff of Lee County—Greeting:
Nancy Milburn

To appear at the Clerk's office of the Circuit Court of Lee county, at the court-house, on the first Monday in *Oct.* next, being rule day, to answer a bill in chancery, exhibited in our said court against *her et als*

by *Winfield Scott*

And have then there this writ. Witness, Jas. W. Orr, clerk of our said court, at the court-house, this *8th* day of *Sept.*, 1879, in the 104th year of the Commonwealth.

R. W. Orr Jr. D. Clerk.

A copy Teste. R. W. Orr Jr. D. Clerk.